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Gordon R. Lindeen III
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

YIMAM, HARUN M

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/916,704
Filing Date: July 26, 2001
Appellant(s): GOLDSCHMIDT IKI ET AL.

GOLDSCHMIDT IKI ET AL.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/15/06 appealing from the Office action
mailed 03/24/06.

(1) Real Party in interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

Matthews, III (U.S. 5,815,145)

Broadwin et al. (U.S. 5,903,816)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 9-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Matthews, III (US 5,815,145).

Considering claim 1, Matthews discloses a method for presenting entertainment selections (selecting a video programming tile-102 using a keypad-90—column 4, lines 35-43), comprising: displaying video data of a first entertainment selection on a first window (multiple video programming tiles, 102 in figure 4, corresponding to different a programming are displayed—column 4, lines 44-55); displaying video data of a second entertainment selection on a second window (102 in figure 4); and displaying entertainment system data regarding the entertainment selection corresponding to the respective window upon selection by a user of the respective window (column 5, lines 6-30).

As for claim 2, Matthews discloses displaying further entertainment system data corresponding to the first entertainment selection in a first area of the first window (channel logo or icon in 102a of figure 4—column 4, lines 49-60); and displaying further entertainment system data corresponding to the second entertainment selection in a first area of the second window (each tile includes a channel identification panel 106 in figure 4 for identifying the corresponding channel with a channel number, channel logo or icon and name of the program or the program provider—column 4, lines 49-60); wherein selection of the respective window comprises selection of the respective first

areas of the respective windows (a viewer can use a cursor, 108 in figure 4, anywhere on the video programming tile 102 for program selection—column 5, lines 6-10).

With regards to claim 3, Matthews discloses displaying still further entertainment system data corresponding to the first entertainment selection in a second area of the first window (name of the program or the program provider in 102a of figure 4—column 4, lines 49-60); and displaying still further entertainment system data corresponding to the second entertainment selection in a second area of the second window (each tile includes a channel identification panel 106 in figure 4 for identifying the corresponding channel with a channel number, channel logo or icon and name of the program or the program provider—column 4, lines 49-60); wherein selection of the respective window comprises selection of the respective second areas of the respective windows (a viewer can use a cursor, 108 in figure 4, anywhere on the video programming tile 102 for program selection—column 5, lines 6-10).

Regarding claim 4, Matthews discloses that the further entertainment system data in the first area comprises at least one of a call sign of the entertainment selection source, a channel of the entertainment selection source, a title of the entertainment selection, rating information of the entertainment selection, time of broadcast of the entertainment selection, and length of broadcast of the entertainment selection (each programming tile includes a channel identification panel 106 in figure 4 for identifying

the corresponding channel with a channel number, channel logo or icon and name of the program or the program provider—column 4, lines 49-60).

Considering claim 5, Matthews discloses that the entertainment system data displayed upon selection of the respective window comprises at least one of a description of the respective entertainment selection and a critique of the respective entertainment selection (the tuned programming rendered within the video programming tile equates to the description of the respective selection—column 5, lines 16-28).

As for claim 6, Matthews discloses that the video data comprises video images (image frame or still images of the programming) of the respective entertainment selections (column 5, lines 36-44).

With regards to claim 7, Matthews discloses that the video images comprise a still image taken from a real-time broadcast of the respective entertainment selections (column 5, lines 36-44).

Considering claim 9, Matthews discloses determining a user's preference of entertainment selection sources (channels most frequently accessed by the user); obtaining video data corresponding to entertainment selections broadcasted on the preferred entertainment selection sources (column 10, lines 34-42); and wherein the

first and second entertainment selections are selected from among the obtained video data (column 10, lines 34-47).

As for claim 10, Matthews discloses receiving a preferred trait from the user (column 10, lines 38-40), the trait being related to at least one entertainment selection (most frequently accessed channels); identifying entertainment selections with the preferred trait by reference to a database (memory 68 of figure 2) of entertainment selections; and wherein the first and second entertainment selections are selected from among the identified entertainment selections (column 10, lines 34-47).

With regards to claim 11, Matthews discloses a graphical user interface (GUI) (video program guide 100 in figure 4), comprising: a first window that displays video data of a first entertainment selection (multiple video programming tiles, 102 in figure 4, corresponding to different a programming are displayed—column 4, lines 44-55); a second window that displays video data of a second entertainment selection (102 in figure 4); the first and second windows comprising selectable multimedia identifiers (cursor 108 in figure 4) that can be selected by a user to cause the display of descriptive information regarding the entertainment selection corresponding to the respective window (column 5, lines 6-30).

Regarding claim 12, Matthews discloses a first area of the first window that displays an identification (channel identification panel 106 in figure 4) of the source of

the first entertainment selection; a second area of the first window that displays a title of the first entertainment selection (name of the corresponding program); a first area of the second window that displays an identification of the source of the second entertainment selection (each video programming tile 102 in figure 4 includes channel identification panel 106 in figure 4 for identifying the corresponding channel with a channel number, channel logo or icon and name of the program or the program provider—column 4, lines 49-60); and a second area of the second window, that displays a title of the second entertainment selection; wherein selection of the respective window comprises selection of the respective second areas of the respective windows (column 5, lines 2-30).

Considering claim 13, Matthews discloses a navigation tool (keypad 90 in figure 3) that allows a user to view additional windows that display video data of additional entertainment selections on the GUI (column 4, lines 37-42 and column 5, lines 2-5).

As for claim 14, the claimed limitations are met by claim 5.

With regards to claim 15, the claimed limitations are met by claim 10.

Regarding claim 16, the claimed limitations are met by claim 8.

Considering claim 17, Matthews discloses a machine-readable medium (20 in figure 2) having stored thereon data representing sequences of instructions which, when executed by a machine, cause the machine to perform operations (column 3, lines 30-38 and column 4, lines 9-42) comprising: displaying video data of a first entertainment selection on a first window (multiple video programming tiles, 102 in figure 4, corresponding to different a programming are displayed—column 4, lines 44-55); displaying video data of a second entertainment selection on a second window (102 in figure 4); and displaying entertainment system data regarding the entertainment selection corresponding to the respective window upon selection by a user of the respective window (column 5, lines 6-30).

As for claim 18, the claimed limitations are met by claim 2.

With regards to claim 19, the claimed limitations are met by claim 3.

Regarding claim 20, the claimed limitations are met by claim 10.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III (US 5,815,145) in view of Broadwin (US 5,903,816).

Considering claim 8, Matthews discloses a multi-frame screen display of entertainment selections (column 4, lines 44-55).

Matthews fails to disclose a full-screen display of the corresponding entertainment selection upon selection by the user of the respective window.

In analogous art, Broadwin discloses thumbprints of MPEG still images (figure 18) that may be selected to a full-screen display (column 18, lines 5-8 and 33-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews system to include a full-screen display of the corresponding entertainment selection, as taught by Broadwin, for the benefit of viewing a still image in its full size (column 18, lines 33-37).

(10) Response to Argument

In response to appellant's argument (page 7, 3rd paragraph) that the action key might not relate to figure 4, appellant should note that column 4, lines 35-43 discusses figure 3 wherein the viewer may initiate or activate selections from a display screen by depressing an action key 91 thereby transmitting signals to station controller 20. Figure 4 shows a display screen 98 of one of video display sets 18 with a video program guide 100, which displays multiple video programming tiles 102 corresponding to programming available on selected channels during a programming schedule period (column 4, lines 44-52). Therefore, appellants should note that the relation between the action key 91 and figure 4 is clearly stated.

In response to appellant's argument (page 8, 2nd paragraph) that it is not clear as to what would happen "upon selection by a user", appellants should first note that the Examiner does read "upon selection by a user" on the "focused upon" activity of Matthews. This reading does meet the claimed limitation because entertainment system data is displayed upon selection by a user (column 5, lines 2-44). The fact that the channel identification segment is displayed for all tiles does not mean that the entertainment system data is not displayed. Therefore, all of the claimed limitations are met.

In response to appellant's argument (page 9, 1st paragraph) that the third limitation of claim 1 has no meaning according to the Examiner's reading as there is no change caused by the selection, appellants should note that First, only the video data of the entertainment selections is displayed on the corresponding windows and not the actual moving images themselves (Matthews discloses the selection of a video programming tile-102 using a keypad-90—column 4, lines 35-43). Secondly, the Examiner reads the third limitation of claim 1 on the display of moving images for the corresponding entertainment selection by the user (Matthews—column 5, lines 6-30).

In response to appellant's argument (page 9, 2nd paragraph) that the reading of claim 1 is inconsistent with claim 8 in which a full-screen display of the video is an additional operation and therefore not the same as the third element of claim 1, appellants should note that the Examiner reads the third limitation of claim 1 on the display of moving images for the corresponding entertainment selection by the user (Matthews—column 5, lines 6-30), whereas claim 8 calls for a full-screen display of said entertainment selection (Broadwin—column 18, lines 5-8 and 33-37).

In response to appellant's argument (page 9, 3rd paragraph) that the specification in paragraphs 28, 29 and 30 of the present application characterizes "entertainment system data" in context of the present application and, consistent, with the usage of the claims, it is different from the video for the corresponding entertainment selection,

appellants should note that paragraph 0029 of the present application clearly discloses that the entertainment system data includes data related to entertainment selections, including programs, and that it may include information describing an entertainment selection or other information related to the entertainment selection. Having said that, it is clear that a still image of programming (video programming tiles 102 in figure 4) displayed as single frame for the corresponding channel is clearly an entertainment system data and that the display of moving images for the corresponding entertainment selection by the user (Matthews—column 5, lines 6-30) reads on displaying entertainment system data regarding the entertainment selection as claimed.

In response to appellant's argument (page 9, 4th paragraph) that there is no indication in Matthews that a particular area of window is to be selected, appellants should note that Matthews discloses that a viewer can use a cursor, 108 in figure 4, for program selection (column 5, lines 6-10). By definition, a cursor is a movable indicator on a display, which can be moved around without any limitations. Matthews further discloses different selectable sections of each video programming tile/window, which includes a channel number, a channel logo, and a name corresponding to the programming.

In response to appellant's argument (page 10, 1st paragraph) that a channel is not an entertainment selection but a source of an entertainment selection, appellants should note that the selection of a channel is followed by the display of an entertainment

system data. Claims 10, 15, and 20 call for receiving a preferred trait from the user, the trait being related to at least one entertainment selection. Column 10, lines 38-40 in Matthews discloses receiving a preferred trait from the user (viewer groups together channels most frequently accessed i.e., thereby characterizing those channels). The characterization of the most frequently accessed channels by the user is related to at least one entertainment selection.

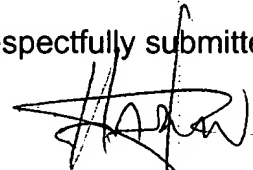
In response to appellant's argument (page 10, 2nd paragraph) that there is no mention of a trait nor of an identification process in Matthews, appellants should note that the word trait by definition is a distinguishing feature or characteristic. Column 10, lines 38-40 in Matthews discloses receiving a preferred trait from the user (viewer groups together channels most frequently accessed i.e., thereby characterizing those channels) and identifying entertainment selections with the preferred trait by reference to a database (the most frequently accessed channels, which are comprised in the modified channel arrangement listing, can be identified by referring to memory 68 of figure 2).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Harun Yimam
Patent Examiner
Art Unit 2623

September 05, 2006

Conferees:



CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Christopher Grant



CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Christopher Kelly